

**Application No.:** 10/796,692  
**Filing Date:** March 9, 2004

**AMENDMENTS TO THE DRAWINGS**

Please replace original Figure 10 with the replacement Figure 10 enclosed herewith.

**Application No.:** 10/796,692  
**Filing Date:** March 9, 2004

## **REMARKS**

In response to the final Office Action mailed September 20, 2007, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

### ***Summary of the Office Action***

In the September 20, 2007 final Office Action, Claims 1, 2, 4-22, 33, 35, 36, 38, and 39 stand rejected as being unpatentable over U.S. Patent No. 5,327,989, issued to Furuhashi et al. (hereinafter "Furuhashi"). Further, Claims 1 and 39 stand objected to because of minor informalities. Nevertheless, Claims 23-32 and 34 were allowed.

### ***Summary of the Amendment***

Upon entry of this amendment, Applicants will have amended Claims 1, 18, 33, 36, and 39. Further, Applicants will have added new Claims 40-47. Accordingly, Claims 1-2, 4-36, and 38-47 are currently pending. By this amendment, Applicants respond to the Examiner's comments and rejections made in the September 20, 2007 final Office Action. Please note that in the amendments to the claims, deletions are indicated by strikethrough (e.g. ~~deletion~~) or double brackets (e.g. [[word]]) and additions to the claims are underlined (e.g. addition). Applicants respectfully submit that the present application is condition for acceptable.

### ***Allowed Claims 23-32 and 34***

Applicants gratefully acknowledge 36, 38-the allowance of Claims 23-32 and 34.

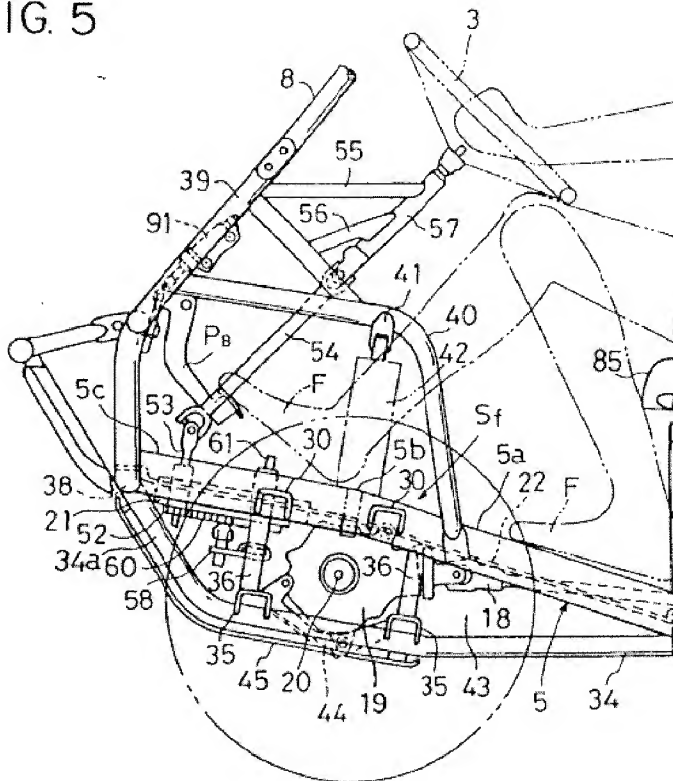
### ***Traversal of Rejection under 35 U.S.C. § 103(a)***

In the Office Action, Claims 1, 2, 4-22, 33, 35, 36, 38, and 39 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Furuhashi. While Applicants reserve the right to prosecute these claims as originally filed, Applicants have amended Claims 1, 18, 33, 36, and 39 in order to expedite prosecution of this Application. Accordingly, Applicants respectfully request that the rejection of Claims 1, 18, 33, 36, and 39, as well as that of Claims 2, 4-17, 19-22, 35, 38, and 39 be withdrawn and that these claims be indicated as allowable over the art of record.

Claim 1 recites, *inter alia*, an off-road vehicle wherein “the rear set of retainers . . . [is] disposed forwardly relative to a steering shaft of the vehicle.” Similarly, Claim 33 recites, *inter alia*, an off-road vehicle wherein “the rear retainers . . . [are] disposed forwardly relative to a steering shaft of the vehicle.” Further, Claim 36 recites, *inter alia*, an off-road vehicle wherein “rear ends of the upper and lower suspension arms are disposed forwardly relative to a steering shaft of the vehicle.” Finally, Claim 39 recites, *inter alia*, an off-road vehicle wherein “the first rearward-most upper retainer and second rearward-most lower retainer . . . [are] disposed forwardly relative to a steering shaft of the vehicle.”

In contrast, Furuhashi clearly illustrates that the rear set of retainers (as well as the front set of retainers, is disposed rearwardly relative to a steering shaft of the vehicle, as shown below.

FIG. 5



Fukuhashi is completely devoid of any teaching or suggestion that the retainers can be oriented at other locations relative to the steering shaft. Indeed, it appears that this construction is desirable to Fukuhashi as it states that it “is also desirable to provide as compact vehicle construction as possible to ensure a high driveability.” Fukuhashi, col. 1, lines 66-68. Thus, the configuration of the steering shaft relative to the retainers of the suspension arms and to the front of the vehicle are completely consistent with and contribute to the accomplishment of

Fukuhashi’s goal of creating a compact vehicle. Thus, Fukuhashi not only fails to teach or otherwise suggest that the rear set of retainers can be disposed forwardly relative to a steering shaft of the vehicle, as recited in these claims, but Fukuhashi actually teaches away from the features recited in Claims 1, 33, 36, and 39.

Applicant's respectfully submit that the unique arrangement described above, as well as the arrangement and spacing of the upper and lower rear retainers relative to each other, allows for the placement of other steering members, such as a tie-rod or a rack-and-pinion assembly. These features are not disclosed or otherwise taught in Fukushima. Accordingly, Applicants respectfully request that these claims be allowed.

Furthermore, with respect to Claim 18, Claim 18 recites, *inter alia*, an off-road vehicle configured with "the first vertical member supporting the first end of the first suspension arm and the third end of the second lower suspension arm such that the first and third ends are aligned with the first vertical member," and "the second vertical member supporting the second end of the first suspension arm and the fourth end of the second lower suspension arm such that the second and the fourth ends are aligned with the second vertical member."

Fukushima also fails to teach or otherwise disclose these features of Claim 18. In particular, Fukushima teaches only a front suspension having suspension arms that are misaligned with respect to any vertical orientation. *See* Fukushima, Figure 5 (shown above). Therefore, without any other teaching regarding the orientation of the suspension arms and their respective ends, Fukushima cannot teach or aid one of skill in the art to develop the vehicle recited in Claim 18. Accordingly, Applicants respectfully request that Claim 18 be indicated as allowable over the art of record.

Therefore, Applicants submit that the rejection of Claims 1, 2, 4-22, 33, 35, 36, 38, and 39 should be withdrawn.

#### ***New Claims 40-47***

Applicants also hereby submit new Claims 40-47 for consideration. Applicants respectfully submit that these new claims are fully supported by the specification and no new matter is added in these claims. Claim 40 depends from independent Claim 18 and is allowable for at least this reason. Claims 41-47 depend from independent Claim 1 and is allowable for at least this reason. Thus, Applicants respectfully request that the Examiner indicate the allowance of new Claims 40-47.

#### ***Amendments to the Specification and Figure 10***

Applicants further hereby submit amendments to the specification and Figure 10. These amendments add reference numeral 112 to identify the rack-and-pinion assembly illustrated in Figure 10 and discussed in paragraphs [0040] and [0041].

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, Applicants respectfully request that the Examiner indicate that Claims 1, 2, 4-22, 33, 35, 36, 38-47 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments

**Application No.:** 10/796,692  
**Filing Date:** March 9, 2004

are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 20, 2008

By: /Michael Guiliana/  
Michael A. Guiliana  
Registration No. 42,611  
Attorney of Record  
Customer No. 20995  
(949) 760-0404

4617994  
032008

**Application No.:** 10/796,692  
**Filing Date:** March 9, 2004

## **APPENDIX**